

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ITT INDUSTRIES, INC., a Delaware corporation,

Case No. 1:05-CV-0674

Plaintiff/Counter-Defendant,

Honorable Robert Holmes Bell

v.

BORGWARNER INC., a Delaware corporation;
KUHLMAN CORPORATION, a Delaware corporation;
BRONSON SPECIALTIES, INC., a Michigan
corporation,

Defendants/Counter-Plaintiffs/
Cross-Plaintiffs/Cross-Defendants,

and

ROYAL OAK INDUSTRIES, d/b/a BRONSON
PRECISION PRODUCTS, a Michigan corporation,

Defendant/Counter-Plaintiff/
Cross-Defendant/Cross-Plaintiff

and

THE SCOTT FETZER COMPANY, a Delaware
corporation,

Defendant/Cross-Defendant/Cross-Plaintiff

BORGWARNER INC., a Delaware corporation;
KUHLMAN CORPORATION, a Delaware corporation;
BRONSON SPECIALTIES, INC., a Michigan
corporation; ROYAL OAK INDUSTRIES, d/b/a
BRONSON PRECISION PRODUCTS, a Michigan
corporation,

Third-Party Plaintiffs,

v.

L.A. DARLING CO., a Delaware corporation,

Third-Party Defendant.

**MOTION OF THE BRONSON
DEFENDANTS (BORGWARNER
INC., KUHLMAN CORPORATION,
AND BRONSON SPECIALTIES,
INC.) FOR (1) SUMMARY
JUDGMENT ON ITT'S CLAIM FOR
COST RECOVERY INVOLVING
THE NBFF OU1 SITE, AND
(2) DISMISSAL OF ITT'S CLAIM
FOR COST RECOVERY
INVOLVING THE NBIA SITE**

ORAL ARGUMENT REQUESTED

Defendants BorgWarner Inc., Kuhlman Corporation, and Bronson Specialties, Inc. (the “Bronson Defendants”), move for (1) summary judgment under Fed. R. Civ. P. 56 on Plaintiff ITT Industries, Inc.’s Count I claim for cost recovery involving the NBFF OU1 site, and (2) dismissal under Fed. R. Civ. P. 12(c) on ITT’s Count I claim for cost recovery involving the NBIA site. The Bronson Defendants requested concurrence from ITT, but ITT indicated it would oppose the motion.

Dated: July 16, 2008

/s/ John J. Bursch

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